

OKLAHOMA
CORPORATION COMMISSION

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William R. Burkett, General Counsel

September 13, 2000

DOCKET FILE COPY ORIGINAL

SEP 20 2000

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street SW, Suite TW-A325
Washington, DC 20554

Re: Initial Filing for Oklahoma Corporation Commission's Expedited Decision for
Delegation of Authority to Implement Number Conservation Measures;
Docket CC 96-68

Dear Ms. Salas:

Enclosed for filing is the original and five copies of the Oklahoma Corporation Commission's Petition for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures.

Please file-stamp one copy and return to me in the enclosed self-addressed stamped envelope.
Thank you.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Lynn Lane Williams".

Lynn Lane Williams, Assistant General Counsel
Oklahoma Corporation Commission

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enclosures

cc:

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

SEP 20 2000

In the Matter of)	
)	
Petition of the Oklahoma Corporation)	
Commission for Expedited Decision for)	NSD File No. _____
Authority to Implement Number)	
Conservation Measures)	CC Docket No. 96-98
Implementation of the Local Competition)	
Provisions of the Telecommunications Act)	
of 1996)	

**PETITION OF THE OKLAHOMA CORPORATION COMMISSION
FOR EXPEDITED DECISION FOR DELEGATION OF AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

I. INTRODUCTION

The Oklahoma Corporation Commission ("OCC or Commission") submits to the Federal Communications Commission ("FCC") this Petition for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures. Pursuant to paragraphs 30 and 31 of the FCC's September 28, 1999, Memorandum Opinion and Order and the Order on Reconsideration in NSD File No. L-97-42,¹ the OCC requests authority to implement number conservation measures to ensure that the public interest is protected against the ordeal of unwarranted area code relief. The OCC is confident that the FCC understands and appreciates the predicament faced by the OCC and other state commissions regarding numbering issues. The

¹ Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 615 and 717.

OCC is particularly sensitive to the pressing need for number conservation measures because of the rapid growth in the demand for numbers experienced by several of Oklahoma's large metropolitan areas in recent years. The existing number assignment practice is a major cause of the early exhaust of area codes. The current practice of assigning numbering resources to a requesting carrier is to assign a 10,000 number block per rate center, even where carriers require substantially less than 10,000 numbers to serve customers in the particular rate center. This number assignment practice causes the early exhaust of area codes affecting both service providers and consumers.² Carriers are thus faced with dwindling supplies of available telephone numbers and the public is faced with frequently changing area codes.

The FCC has exclusive jurisdiction over those portions of the North American Number Planning Administration ("NANPA") that pertain to the United States.³ However, the FCC may delegate portions of its number administration authority to state commissions.⁴

On March 17, 2000, the FCC adopted new policies and rules designed to create national standards for numbering resource optimization.⁵ As one part of the overall nationwide resource optimization strategy, the FCC

² Report and Order and Further Notice of Proposed Rule Making, In the Matter of Number Resource Optimization, CC Docket No. 99-200, (March 31, 2000), ("Report and Order"), ¶116.

³ 47 U.S.C. § 251 (e)(1) (Telecommunications Act of 1996).

⁴ Id.; Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 615 and 717 (NSD File No. L-97-42), Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (CC

mandated thousands-block number pooling for all carriers that are currently required to be Local Number Portability (“LNP”)-capable.⁶ The FCC also concluded that thousands-block number pooling should be administered by a single national pooling administrator in order to ensure consistency, uniformity and cost-effectiveness.⁷ However, because of expected delays associated with selection of a pooling administrator and national implementation, the FCC decided to allow continued individual pooling trials by granting states’ requests for additional delegation of authority.⁸ Oklahoma, as well as many other states, recognizes and appreciates the FCC’s commitment to adopting the standards in an expeditious, yet thoughtful manner, and the FCC’s understanding of the states’ need for immediate action in order to optimize number conservation measures.

In order to obtain more efficient assignment of existing resources, maintain competitive equity, minimize increases in costs and rates to consumers, and avoid introducing new area codes prematurely, the OCC seeks delegated authority to implement mandatory thousands-block number pooling and to audit carriers’ use of numbering resources.

Docket 96-98), Memorandum Opinion and Order on Reconsideration (Sept. 28, 1998) (Pennsylvania Order).

⁵ Report and Order – (referenced and cited above).

⁶ Id at ¶ 125.

⁷ Id at 128.

⁸ Id at 169.

II. BACKGROUND

For decades, Oklahoma was split down the middle between two (2) area codes. The 918 area code, which encompasses the northwest corner of Oklahoma, was formed in 1953 and includes Tulsa. The 405 area code covered the rest of the state, which encompassed Oklahoma City. In July of 1997, the portion of area code 405 outside the greater Oklahoma City metro area was divided to form the 580 area code. NANPA, in its 1999 COCUS and NPA Exhaust Analysis, updated as of April 1999, projected that area code 405 would exhaust its supply of assignable telephone numbers in the 3rd quarter of 2003. In NANPA's 2000 COCUS and NPA Exhaust Analysis, updated as of April 2000, the projected exhaust date for area code 405 was advanced to the 3rd quarter of 2002. NANPA's exhaust forecast for area code 918 in April of 1999 was 1st quarter of 2003 and the April 2000 forecast was 3rd quarter of 2002.

The figures indicate that in 2002, five (5) years after area code 405 was split, another area code relief measure (another split or an overlay) will become necessary. The Commission has looked at several factors in an attempt to understand why numbers in Oklahoma are being consumed so quickly. U.S. Census Bureau data indicate that the population of Oklahoma is increasing at less than 1% per year, so population pressure is not a determinate factor in Oklahoma. The OCC realizes that the rapid exhaustion of telephone numbers is due in part to the introduction of new technologies such as wireless phones, the Internet, the demand for additional lines for fax

machines, residential customers requesting additional voice lines for business or teenagers use, and other data and voice uses, however, the biggest problem in Oklahoma is the way the numbering resources are managed. Earlier this year, a competitive local exchange carrier ("CLEC") in central Oklahoma entered the market; and, as a start up supply, was assigned 360,000 phone numbers (10,000 numbers in each of 36 central Oklahoma rate centers). The new CLEC is competing against the incumbent local exchange carrier and nine (9) other CLECs in a market of slightly over one million people. Under the current rules this is the minimum count of numbers this CLEC will receive per rate center. It is extremely inefficient to provide such a competitor an initial number supply so large.

Efforts at rate center consolidation have begun consistent with numbering optimization measures the OCC can implement with delegated authority from the FCC. On July 13, 2000, members of the OCC met with members of industry. Additional meetings are to be held to determine how to proceed with rate center consolidation as a measure to extend the lives of existing area codes.

III. DISCUSSION OF SPECIFIC DELEGATED AUTHORITY REQUESTED

As in many other states, it appears that the industry is reluctant to implement number pooling in any form in Oklahoma unless and until national pooling standards are approved by the FCC. However, the Oklahoma Commission, would like to begin implementing number pooling on a statewide basis subject to the constraints imposed by the FCC in its recent

orders granting other states additional limited authority in this area. Therefore, the Oklahoma Commission requests additional interim delegated authority to undertake the following number conservation measures.

A. Implement Mandatory Thousands-Block Number Pooling Trial

Before the FCC will grant a request for additional authority to implement number pooling a state petition must demonstrate that: 1) an area code or Numbering Plan Area ("NPA") is in jeopardy; 2) the NPA in question has a remaining life span of at least a year; and 3) the NPA is in one of the largest 100 Metropolitan Statistical Areas ("MSAs"), or alternatively, the majority of wireline carriers in the NPA are LNP-capable. As is the case in Oklahoma, even if a state cannot meet all three criteria, the FCC may authorize pooling in NPAs if the state can by "special circumstances" show that pooling would be of benefit in that NPA.

Oklahoma is requesting additional authority to implement thousands-block number pooling trials in the 405 area code.

1. 405 Area Code

Although the 405 area code is not currently in jeopardy it has been forecast to exhaust in the 3rd quarter of 2002. NANPA has determined that even with the split of the 580 area code out of the 405 area code, another split or an overlay will be required in two (2) years or less. The majority of carriers in the 405 NPA are LNP-capable. Oklahoma City is one of the top 100 MSAs and the 405 area code encompasses Oklahoma City. Also, the 405 NPA has a remaining life span of at least one year. The OCC believes

that “special circumstances” exist which warrant FCC authorization to implement thousands-block number pooling in the 405 NPA. Implementation of thousands-block number pooling could postpone the need for area code relief in the 405 NPA.

Inefficient allocation and assignment of numbers can be addressed in Oklahoma by implementing mandatory thousands-block pooling trials on a statewide basis, subject to the constraints imposed on other states. OCC requests authority to order mandatory block pooling trials. This authority would allow the Commission to request that companies “turn on” numbers sequentially in 1000-number blocks instead of blocks of ten thousand. The companies would also return any unused or sparsely used blocks for reassignment to other locations. Oklahoma is working with industry to implement rate center consolidation but the OCC needs the additional authority to implement thousands-block number pooling in order to ensure the longevity of the 405 NPA.

The Oklahoma Corporation Commission respectfully submits that it falls within the “special circumstances” test so as to warrant granting its request for additional delegated authority to begin thousands-block number pooling trials in the 405 area code.

2. 918 Area Code

Pursuant to the Report and Order, at page 79, the FCC will continue to grant states interim pooling authority in a single MSA in their state and allow the state to expand pooling to another MSA only after having

implemented pooling in the initial MSA. The 918 area code would be the next NPA in which Oklahoma would seek to expand pooling. Just like the 405 area code, 918 is not currently in jeopardy but it has been forecast to exhaust in the 3rd quarter of 2002. The majority of carriers in the 918 NPA are LNP-capable. Also, the 918 NPA encompasses Tulsa which is one of the top 100 MSAs and 918 NPA has a remaining life span of at least one year. Therefore, the OCC believes that it should be allowed to expand implementation of thousands-block number pooling in the 918 NPA.

B. Auditing Carriers' Use of Numbering Resources.

The OCC also seeks authority to audit the use of numbering resources by carriers. This request is consistent with the FCC's prior delegation of authority.⁹ If granted, the OCC shall conduct audits of carriers' use of numbering resources within the parameters established by the Numbering Resource Optimization Order, and any further proceedings in that docket. OCC understands, that because this requested authority is a topic of the Numbering Resource Optimization Notice, this requested authority is limited in duration until such time as the FCC enacts national rules or policies relating to auditing carriers' use of numbering resources.¹⁰

IV. CONCLUSION

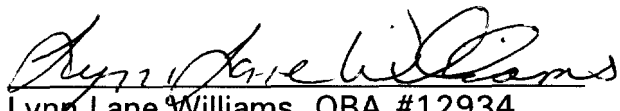
The Oklahoma Corporation Commission respectfully requests that the FCC delegate it additional authority to implement the number conservation

⁹ Report and Order at ¶ 60.

¹⁰ See *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10358-361.

measures discussed above. Since OCC is asking for the same additional interim delegated authority granted to other state commissions, and because OCC needs tools beyond splits and overlays to respond to the needs of consumers, the OCC requests that the FCC grant it this authority on an expedited basis.

RESPECTFULLY submitted this 13th day of September, 2000.



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